

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 3:06cr204-MEF
	)	WO
HENRY ERIK YAPIAS	)	

**ORDER ON MOTION**

Upon consideration of defendant's unopposed motion for psychological examination prior to sentencing, and defendant's history of substance abuse and psychological problems from an early age, and for good cause, it is

ORDERED that the motion be and hereby is GRANTED. The United States Marshal for this district shall immediately remove the defendant to the custody of such federal institution as may be designated by the Attorney General, where the defendant is to be committed for a period of no more than 45 days for the purpose of the preparation of a pre-sentence examination and report by one or more qualified psychiatrists concerning the mental condition of the defendant, pursuant to the provisions of 18 USC §§ 3552(c) and 4244(b). Defendant has also requested, and the court hereby ORDERS, that he be examined by a neurologist in connection with this psychiatric examination. It is further

ORDERED that the examiner(s) conducting the mental examination of the defendant report in writing to this court within 45 days from the date of the defendant's arrival at the institution as to their findings, opinions and conclusions relative to the mental condition of the defendant, and specifically report to and advise this court of any recommendation the examiner(s) may have as to how the mental condition of the defendant should affect the

sentence in this case, including but not limited to the question of diminished capacity. 18 USC § 4247(c)(4)(F). It is further

ORDERED that the defendant shall be incarcerated and remain at the institution designated by the Attorney General until the study is completed and that, upon completion of the study, the defendant shall be returned to the custody of the United States Marshal for the Middle District of Alabama pending final sentencing.

DONE, this 13<sup>th</sup> day of February, 2007.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE